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UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

GLENROY COACHELLA, LLC

Debtor.

RICHARD A. MARSHACK, solely in his
capacity as Chapter 7 Trustee for the
bankruptcy estate of Glenroy Coachella, LLC,

Plaintiff,

vs.

ASR DEVELOPMENT CO, a California
corporation; DESERT MEDICAL
PROPERTIES, INC., a California
corporation; ABRAHAM STUART RUBIN,
an individual; JOSEPH RUBIN, an individual;
DR. ELLIOT B. LANDER, an individual; and
GARY STIFFELMAN as trustee for the
STIFFELMAN FAMILY TRUST,

Defendants.

Case No. 2:21-bk-11188-BB

Adv. No. 2:23-ap-01080-BB

Chapter 7

**FIRST AMENDED ANSWER BY
DEFENDANT DR. ELLIOT B.
LANDER TO COMPLAINT AND
DEMAND FOR JURY TRIAL**

The defendant, Dr. Elliot B. Lander (“Dr. Lander” or “Defendant”), hereby submits this First Amended Answer to the Complaint filed by Richard Marshack, as Chapter 7 trustee in this adversary proceeding (the “Complaint”).

ANSWER

Answers to Allegations Re Statement Of Jurisdiction And Venue

1. Defendant admits the allegations in paragraph 1 of the Complaint.
2. Defendant admits the allegations in paragraph 2 of the Complaint.
3. Defendant admits this Court has jurisdiction over the claims to the following limited extent: It can “submit proposed findings of fact and conclusions of law to the district court.” 28 U.S.C. § 157(c)(1). The Defendant contends the Court lacks the power to hear any triable issues of fact due to the Defendant’s jury trial right.
4. Defendant denies the allegations in paragraph 4 of the Complaint.
5. Defendant admits the allegations in paragraph 5 of the Complaint.
6. Defendant denies the allegations in paragraph 6 of the Complaint based upon a lack of information or belief.

Answers To Allegations re Parties

7. Defendant admits the allegations in paragraph 7 of the Complaint.
8. Defendant denies the allegations in paragraph 8 of the Complaint based upon a lack of information or belief.
9. Defendant denies the allegations in paragraph 9 of the Complaint based upon a lack of information or belief.
10. Defendant admits the allegations in paragraph 10 of the Complaint.
11. Defendant admits the allegations in paragraph 11 of the Complaint.
12. Defendant denies the allegations in paragraph 12 of the Complaint based upon a lack of information or belief.

Answers to General Allegations

13. Defendant admits the allegations in paragraph 13 of the Complaint.

1 14. Defendant denies the allegations in paragraph 14 of the Complaint based upon a lack
2 of information or belief.

3 15. Defendant denies the allegations in paragraph 15 of the Complaint based upon a lack
4 of information or belief.

5 16. Defendant denies the allegations in paragraph 16 of the Complaint based upon a lack
6 of information or belief.

7 17. Defendant denies the allegations in paragraph 17 of the Complaint.

8 18. Defendant denies the allegations in paragraph 18 of the Complaint.

9 19. Defendant admits the allegations in paragraph 19 of the Complaint.

10 20. Defendant denies the allegations in paragraph 20 of the Complaint.

11 21. Defendant denies the allegations in paragraph 21 of the Complaint based upon a lack
12 of information or belief.

13 22. Defendant denies the allegations in paragraph 22 of the Complaint based upon a lack
14 of information or belief.

15 23. Defendant admits the allegations in paragraph 23 of the Complaint.

16 24. Defendant denies the allegations in paragraph 24 of the Complaint based upon a lack
17 of information or belief.

18 25. Defendant denies the allegations in paragraph 25 of the Complaint based upon a lack
19 of information or belief.

20 26. Defendant denies the allegations in paragraph 26 of the Complaint.

21 27. Defendant denies the allegations in paragraph 27 of the Complaint based upon a lack
22 of information or belief.

23 28. Defendant denies the allegations in paragraph 28 of the Complaint based upon a lack
24 of information or belief.

25 29. Defendant denies the allegations in paragraph 29 of the Complaint based upon a lack
26 of information or belief.

Answer to Allegations re First Claim for Relief

30. Defendant repeats its prior answers to the re-alleged allegations in paragraph 30 of the Complaint.

31. Defendant denies the allegations in paragraph 31 of the Complaint based upon a lack of information or belief.

32. Defendant denies the allegations in paragraph 32 of the Complaint based upon a lack of information or belief.

33. Defendant denies the allegations in paragraph 33 of the Complaint.

34. Defendant denies the allegations in paragraph 34 of the Complaint.

35. Defendant denies the allegations in paragraph 35 of the Complaint.

36. Defendant denies the allegations in paragraph 36 of the Complaint based upon a lack of information or belief.

37. Defendant denies the allegations in paragraph 37 of the Complaint based upon a lack of information or belief.

38. Defendant denies the allegations in paragraph 38 of the Complaint based upon a lack of information or belief.

39. Defendant denies the allegations in paragraph 39 of the Complaint.

40. Defendant denies the allegations in paragraph 40 of the Complaint.

41. Defendant denies the allegations in paragraph 41 of the Complaint.

Answer to Allegations re Second Claim For Relief

42. Defendant repeats its prior answers to the re-alleged allegations in paragraph 42 of the Complaint.

43. Defendant denies the allegations in paragraph 43 of the Complaint.

44. Defendant denies the allegations in paragraph 44 of the Complaint.

45. Defendant denies the allegations in paragraph 45 of the Complaint.

46. Defendant denies the allegations in paragraph 46 of the Complaint.

Answer to Allegations re Third Claim For Relief

47. Defendant repeats its prior answers to the re-alleged allegations in paragraph 47 of the Complaint.

48. Defendant denies the allegations in paragraph 48 of the Complaint.

49. Defendant denies the allegations in paragraph 49 of the Complaint.

Answers to Allegations re Fourth Claim For Relief

50. Defendant repeats its prior answers to the re-alleged allegations in paragraph 50 of the Complaint.

51. Defendant denies the allegations in paragraph 51 of the Complaint.

52. Defendant denies the allegations in paragraph 52 of the Complaint.

53. Defendant denies the allegations in paragraph 53 of the Complaint.

54. Defendant denies the allegations in paragraph 54 of the Complaint.

Prayers For Relief

Defendant prays that the Court deny any relief on the claims alleged in the Complaint and further prays that the Court award Defendant all fees and costs incurred in the defense of the same to the extent such relief can be granted under law or equity.

DEFENDANT'S AFFIRMATIVE DEFENSES

A. The claims alleged in the Complaint fail to state a claim upon which relief can be granted.

B. The claims alleged in the Complaint are barred by laches.

C. The claims alleged in the Complaint are barred by unclean hands.

D. The claims alleged in the Complaint were waived and released.

E. The claims alleged in the Complaint are barred by estoppel.

F. The claims alleged in the Complaint are barred by the fact that reasonably equivalent consideration was exchanged for the transfers made to Defendant.

DATED: May 25, 2023

OKEEFE & ASSOCIATES
LAW CORPORATION, P.C.

/s/ Sean A. O'Keefe

By: _____
Sean A. O'Keefe, counsel
to Dr. Elliot B. Lander, defendant

REQUEST FOR A JURY TRIAL

The defendant, Dr. Elliot B. Lander, demands a jury trial on all issues of fact triable by a jury in the above-entitled case.

DATED: May 25, 2023

OKEEFE & ASSOCIATES
LAW CORPORATION, P.C.

By: /s/ Sean A. O'Keefe
Sean A. O'Keefe, counsel
to Dr. Elliot B. Lander

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 26 Executive Park, Suite 250, Irvine, CA 92614.

A true and correct copy of the foregoing document entitled: **FIRST AMENDED ANSWER BY DEFENDANT DESERT MEDICAL PROPERTIES, LLC TO COMPLAINT AND DEMAND FOR JURY TRIAL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On May 25, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served):

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☒ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/25/2023

Sean A. O'Keefe

/s/ Sean A. O'Keefe

Date

Printed Name

Signature

NEF LIST

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- Richard A Marshack (TR) pkraus@marshackhays.com,
rmarshack@iq7technology.com;ecf.alert+Marshack@titlexi.com
- Ryan D O'Dea rodea@shulmanbastian.com, lgauthier@shulmanbastian.com
- United States Trustee (LA) ustpreion16.la.ecf@usdoj.gov